

=====

FARAD CONTINUATION SHEET

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1947 OF 2005.

=====

Mr.B.R. Patil with P.L. Sapkale for the
petitioner.

Mr.S.R. Borulkar, P.P. with Mr.S.S.
Pednekar, A.P.P., for the respondent-State.

**CORAM: S.S. PARKAR &
ANOOP V. MOHTA, JJ.**

DATED: 1ST SEPTEMBER, 2005.

P.C.:

. This Petition is filed seeking protection to the petitioner for a period of six months on account of the threats held out to him and the attempts made on his life. The petitioner had made an application to the Inspector of Police, Vishnu Nagar Police Station, Dombivli on 17th June 2005, but the same was rejected by the letter dated 3rd August 2005, Exhibit-5 to this Petition and, therefore, the present Petition. On behalf of the respondent-State, the learned Public Prosecutor contended that the petitioner himself being an accused in about seven cases

for serious offences, though he was acquitted in five cases, two cases for offence under Section 307 and 302 of IPC are pending against him and he would not be entitled for police protection under the guidelines and the decision of the Division Bench of this Court rendered on 29th September and 6th October 1999, in Criminal Writ Petition No.77 of 1997. The Division Bench of this Court in the above decision has observed in paragraph 68(iii) that if any person makes out a specific case of a genuine and imminent threat to his life for a particular occasion or at a particular place, the State Government would not be justified in refusing to grant armed Police protection to him for the said occasion.

2. The petitioner is a witness in the case registered in connection with the murder of his own elder brother. According to him, he is a witness in two Sessions cases being Sessions Case No.123 of 2002 and Sessions Case No.144 of 2003 pending in the Kalyan Sessions Court. He has genuine apprehension that whenever he is required to attend the Sessions Court in order to give evidence in the aforesaid cases, there

is danger to his life and, therefore, Police protection would be required.

3. In our view, the State cannot refuse protection to the petitioner to enable him to attend the Sessions Court in the aforesaid two cases and give evidence if he makes an application in that behalf to the Senior Inspector of Vishnu Nagar Police Station, Dombivli in whose jurisdiction the petitioner is residing.

4. While we reject the prayer of the petitioner for regular armed Police protection, we direct the State to provide the petitioner adequate Police protection for attending Sessions Case No.123 of 2002 and Sessions Case No.144 of 2003 in Kalyan Sessions Court as a witness.

5. With the aforesaid direction, we dispose of this Petition.

[S.S. PARKAR, J.]

[ANOO P V. MOHTA, J.]